

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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PAULA F. SOTO,

Plaintiff,

v.

CITY OF CAMBRIDGE,

Defendant.

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C.A. No.13-10822

**DEFENDANT CITY OF CAMBRIDGE’S  
MOTION FOR LEAVE TO FILE AMENDED ANSWER**

Pursuant to Fed. R. Civ. P. 15(a), Defendant City of Cambridge (the “City”) hereby moves this Court for an Order granting it leave to amend its Answer. Plaintiff Paula F. Soto has assented to the filing of this motion. A copy of the proposed First Amended Answer is attached as Exhibit A.

Rule 15 of the Federal Rules of Civil Procedure provides that “[t]he court should freely give leave [to amend the pleadings] when justice so requires.” Fed. R. Civ. P. 15(a)(2). Leave should be denied only in instances where there exists undue delay, bad faith, repeated failure to cure deficiencies, dilatory motive of the requesting party, or if the amendment would be futile. See Nikitine v. Wilmington Trust Co., 715 F.3d 388, 390 (1st Cir. 2013).

Here, none of the reasons to deny leave to amend apply. The City seeks to file an amended answer in which it concedes that Soto’s activities that are the subject of this litigation constitute non-commercial speech. The City is not proposing to assert any cross-claims or new causes of actions through the proposed amended pleading.

Accordingly, the City respectfully moves that the Court grant the Defendant's [Assented to] Motion for Leave to Amend Complaint.

Defendant,  
CITY OF CAMBRIDGE  
By its Attorney,

/s/ Samuel A. Aylesworth  
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*Assented to:*

Plaintiff  
PAULA F. SOTO  
By her Attorneys,

/s/ Julia M. Ong  
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DATED: May 29, 2015

**LOCAL RULE 7.1(2) CERTIFICATION**

Counsel for the Defendant City of Cambridge (the “City”) hereby certifies that he conferred with the attorney for the Plaintiff Paula F. Soto and attempted in good-faith to resolve or narrow the issues presented by the City’s Motion.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be mailed to those indicated on the NEF as non-registered participants on or before May 29, 2015.

/s/ Samuel A. Aylesworth